

In the Matter of)
) WC Docket No. 20-445
Emergency Broadband Benefit)

Section 1.3 of the Commission’s rules allows for the FCC to waive any provision of the rules upon petition when good cause is shown.¹ Point Broadband Fiber Holding, LLC (“Point”)² hereby respectfully requests waiver of the Emergency Broadband Benefit (“EBB”) Program reimbursement filing deadlines. Specifically, Point requests that the Commission (1) allow Point until August 16, 2021³ to submit the snapshot report of Point’s enrolled subscribers for May 2021, June 2021, and July 2021; and 2) allow Point until August 16, 2021 to submit and certify to USAC its reimbursement claims for the households captured on the snapshot reports for May 2021 and June 2021.⁴

The public interest would support the requested waiver by enabling the Point to carry out the EBB Program's goals of broadband service offerings to Americans with reimbursement to service providers; many of Point's subscribers are located in rural areas. Additionally, it allows the EBB reimbursement to display the benefits of its Program to subscribers while not interfering with the ability of the Universal Service Administration Corporation ("USAC") to track the EBB Program's disbursements and depletion of the fund. Further, waiver of the EBB

⁴ Point's reimbursement claims for the households captured on the snapshot reports for July 2021 are due to USAC on August 16, 2021 so the period is not included in the request.

reimbursement rules has been previously granted by the Commission.⁵

The EBB Order requires reimbursements to be based on a “snapshot report of a provider’s enrolled subscribers as of the first of the month.”⁶ Providers have until the 15th of each month to submit to USAC their reimbursement claims for the households captured on the snapshot report.⁷ Reimbursement claims submitted after that date are not processed, with providers prohibited from revising previously submitted claims.⁸ Providers are then required to certify to the accuracy of reimbursement claims by the 15th of each month.⁹

Point received its approval as a service provider under the EBB Program on April 22, 2021. Point personnel experienced EBB Program Claims System access issues from the start. Point conducted due diligence on the EBB Program’s reimbursement claims process through attendance at webinars, review of presentation materials, and viewings of instructional videos, but the access issues remained. Point requested 497 Officer privileges be assigned to organizational members which took several weeks for USAC to update. Despite these efforts, Point continued experiencing access issues on the USAC Dashboard, to the National Lifeline Accountability Database, and with the claims template uploading process in the EBB Program Claims System. As such, Point requested for a share session to be conducted with USAC. This took several weeks to schedule. The share session with USAC occurred on Friday, July 9, 2021 and Point believes its access issues to be resolved.

Point would be able to submit the snapshot report of its enrolled subscribers for May 2021, June 2021, and July 2021 and submit and certify its reimbursement claims for the

⁵ See, e.g., WC Docket No. 20-445, Emergency Broadband Benefit Program, DA 21-455, Order (rel. April 20, 2021) (“Verizon Waiver Order”) and WC Docket No. 20-445, Emergency Broadband Benefit Program, DA 21-557, Order (rel. May 11, 2021) (“Altice Waiver Order”).

⁶ Emergency Broadband Benefit Program, Report and Order, WC Docket No. 20-445, FCC 21-29, ¶98 (2021) (“EBB Order”).

⁷ Id.

⁸ Id., ¶¶99-100

⁹ Id., ¶100

households captured on the snapshot reports for May 2021 and June 2021 if the Commission extends its deadline to August 16, 2021.

Point's request is consistent with the Commission's standard of granting waivers when special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.¹⁰ The hardships Point faced were multiple issues accessing the EBB Program Claims System which required Point to seek USAC's repeated assistance and took considerable time to address. The waiver Point is requesting will not materially affect the ability of the Commission and/or USAC to track disbursements and depletion of the fund.

For the foregoing reasons, Point submits that the requested waiver is in the public interest and would help to advance the goals of the EBB Program. Please contact the undersigned with any questions regarding this request.

Respectfully submitted,

Point Broadband Fiber Holding, LLC.

By: /s/ John Kemp

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¹⁰ 47 CFR §1.3; Northeast Cellular Telephone Co., L.P. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990).